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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,097	06/29/2001	Rabindranath Dutta	AUS920010246US1	6740

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,097

Applicant(s)

DUTTA ET AL.

Examiner

Kirsten S. Apple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/11/2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## Detailed Action

This action is in response to the application filed on 06/29/2001.

### *Priority*

No claim for priority has been made in this application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wellman US Patent 6,952,682 B1.

**Re claim 1:** Wellman discloses:

*A method of rating online auction users: (see Wellman, title + Column 2, line 21*

*“rating” & “reliability”)*

*Receiving personal information regarding the user (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including “buyer credit rating”)*

*Obtaining objective information about the user from a third party (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including “buyer credit rating”)*

*Formulating an initial value (see Wellman, Figure 5A, Item 508)*

**Re claim 2:** Wellman discloses:

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*Objective information includes a credit report (see Wellman, Figure 2, "buyer credit report")*

**Re claim 3:** Wellman discloses:

*Personal information is received from a web client*

*The examiner sights Official Notice it is well know by someone of ordinary skill in the art at the time of the invention that "receiving and transmitting over a web client" is well know.*

**Re claim 4:** Wellman discloses:

*Receiving a transaction history for the user*

*Modifying the reliability rating based on the transaction*

**Re claim 5:** Wellman discloses:

*Receiving feedback about the user (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including "buyer credit rating")*

*Based on the feedback modifying the reliability rating (see Wellman, Figure 5A, Item 508)*

*The examiner would note that feedback is very vague and this could be any kind of feedback. However, if the applicant chooses to be more specific to forum feedback then the ebay reference sited in the applicants IDS (10/11/2001) would be considered prior art.*

**Re claim 6:** Wellman discloses:

*Sharing the reliability rating with at least on auction server (see Wellman, Figure 1)*

**Re claim 7:** Wellman discloses:

*Reliability rating includes at least one of a buying limit and a selling unit (see Wellman, Figure 3, seller reliability, although they do not use the exact language of “buying limit” that the low reliability calculation will limit a seller)*

**Re claim 8:** Wellman discloses:

*Presenting to the user a rationale for why the user received the initial value (see Wellman, Figure 5A, item 508 by definition of “graph” there must be a rational)*

**Re claim 9:** Wellman discloses:

*A method in a data processing system for managing auctions (see Wellman, title)  
Receiving data about a user (see Wellman, Figure 2, “buyer credit rating”)  
Rating user using the data to form a user rating (see Wellman, Figure 5A, 508)  
Based on the user rating, regulating the user’s access to selected auctions (see Wellman, Figure 3, seller reliability, although they do not use the exact language of “regulating user access” that the low reliability calculation will clearly have an effect of limiting a seller access)*

**Re claim 10:** Wellman discloses:

*Regulating the user’s access to the selected auction includes one of denying the user access to the selected auctions and allowing the user access to the selected auction (see Wellman, Figure 3, seller reliability, although they do not use the exact language of “regulating user access” that the low reliability calculation will clearly have an effect of limiting a seller access)*

**Re claim 27:** Wellman discloses:

*A data processing system for rating an online auction user comprising:  
A bus system (see Wellman, Figure 3, Item 112)*

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*A memory (see Wellman, Figure 3, Item 110)*

*A processing unit (see Wellman, Figure 3, Item 104)*

**Re claim 11-34:**

The following claims listed below in the following format have repetitive content & similar limitations. Therefore the claims are rejected based on the comparison chart below.

11 = 1 + 9

19 & 27 = 1

12 & 20 & 28 = 2

13 & 21 & 29 = 3

14 & 22 & 30 = 4

15 & 23 & 31 = 5

16 & 24 & 32 = 6

17 & 25 & 33 = 7

18 & 26 & 34 = 8

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al., U.S. Patent No 6,622,131, discloses obtaining credit scores of auction participants.

Brett, U.S. Patent 6,907,405 B2, teaches priority right auctioning system.

***Contact Information***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571.272.6799. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER